

# State of New Hampshire

State of New Hampshire  
Banking Department

Docket # 10-129

v.

Waypoint Law Group, Inc., U.S.  
Homeowners Relief, Inc., Samuel Paul  
Bain, Macie Mejeco Bain, and  
Aminullah Sarpas,

Notice of Complaint, Order to  
Show Cause  
And  
Cease And Desist

Respondents

## **Notice of Complaint, Order to Show Cause and Cease & Desist (“Order”)**

1. This Order commences an adjudicative proceeding under the provisions of RSA Chapter 397-A (including RSA 397-A:17, I & II; RSA 397-A:18, I & II, RSA 397-A:20, IV) and RSA 541-A.
2. The Commissioner has jurisdiction to assess penalties up to a maximum fine of \$2,500.00 for each violation. RSA 397-A:21, IV and V.

### **Respondent(s)**

3. Waypoint Law Group, Inc. (“Respondent Waypoint”) is a business incorporated in California with a last known principal office location of 17305 Daimler Street, Irvine, California 92614. Respondent Waypoint has also used the address of 2101 E. 4<sup>th</sup> Street, Suite B260, Santa Ana, California 92705 and 10343 San Diego Mission Road, #328, San Diego, CA 92108. Respondent Waypoint is a Person. RSA 397-A:1, XVIII.
4. Respondent Waypoint has never held a New Hampshire mortgage broker license with the New Hampshire Banking Department (“Department”).

5. U.S. Homeowners Relief, Inc. (“Respondent Homeowners”) is a business incorporated in California with a last known principal office location of 17305 Daimler Street, Irvine, California 92614. Respondent Homeowners has also used the address of 2101 E. 4<sup>th</sup> Street, Suite B260, Santa Ana, California 92705. Respondent Homeowners is a Person. RSA 397-A:1, XVIII.
6. Respondent Homeowners has never held a New Hampshire mortgage broker license with the New Hampshire Banking Department.
7. Samuel Paul Bain (“Respondent Samuel Bain”) is an owner of Waypoint Law Group, Inc. and U.S. Homeowners Relief, Inc., with the same last known principal office location. RSA 397-A:1, V-a. Respondent Samuel Bain is a control person (RSA 397-A:1, V-a), a direct owner (RSA 397-A:1, VI-a), a person (RSA 397-A:1, XVIII) and a principal (RSA 397-A:1, XIX).
8. Macie Mejeco Bain (“Respondent Macie Bain”) is an owner of Waypoint Law Group, Inc. and U.S. Homeowners Relief, Inc., with the same last known principal office location. RSA 397-A:1, V-a. Respondent Macie Bain is a control person (RSA 397-A:1, V-a), a direct owner (RSA 397-A:1, VI-a), a person (RSA 397-A:1, XVIII) and a principal (RSA 397-A:1, XIX).
9. Aminullah Sarpas (“Respondent Sarpas”) is a control person of Waypoint Law Group, Inc. and U.S. Homeowners Relief, Inc., with the same last known principal office location. RSA 397-A:1, V-a. Respondent Sarpas is a control person (RSA 397-A:1, V-a), a direct owner (RSA 397-A:1, VI-a), a person (RSA 397-A:1, XVIII) and a principal (RSA 397-A:1, XIX).

**Right to a Hearing**

10. Respondents have the right to request a hearing of this Order. A hearing shall be held not later than ten (10) days after the Commissioner receives the Respondents’ written request

for a hearing. The Respondent may request a hearing and waive the ten (10) day hearing requirement. The hearing shall comply with RSA Chapter 541-A, RSA 397-A:17, I and RSA 397-A:18, II.

11. If any person fails to request a hearing within thirty (30) days of receiving this Order, then such person shall be deemed in default, and the Order shall, on the thirty-first (31<sup>st</sup>) day, become permanent, all allegations may be deemed true, and shall remain in full force and effect until modified or vacated by the Commissioner for good cause shown. RSA 397-A:17, I and RSA 397-A:18, II.
12. A default may result in administrative fines up to the maximum amount of \$2,500.00 per violation. Each of the acts specified shall constitute a separate violation. RSA 397-A:21, IV.

#### **Statement of Alleged Facts**

13. On March 16, 2010 the New Hampshire Attorney General's Office forwarded the Department a complaint from Consumer A, a New Hampshire resident, regarding the Respondent's business activities within the State of New Hampshire.
14. The Department's investigator discovered that on August 29, 2009, Consumer A and the Respondents entered into an agreement, whereby the Respondents were to assist Consumer A with a loan modification.
15. The Department's investigator found that Respondents solicited and/or engaged in the business of originating or brokering mortgage loans with a New Hampshire consumer without a New Hampshire mortgage broker license in violation of RSA 397-A:3, I.
16. The Respondents charged Consumer A an advanced fee of \$3,450.00 for loan modification services, in violation of RSA 397-A: IV (m).
17. Although Respondents were paid in advance, Respondents failed to obtain a loan modification for Consumer A in violation of RSA 397-A: IV (b).

18. On September 17, 2010, the Department mailed a certified letter to the Respondents principal office location, requesting that they provide, within (10) days of receipt, a response regarding the alleged unlicensed activity; a New Hampshire transaction list, contact information and a consumer contract, if applicable. The certified letter was returned on September 27, 2010, as “RETURN TO SENDER REFUSED UNABLE TO FORWARD.”

**Alleged Violations:**

Waypoint Law Group:

1 Count of Unlicensed Activity  
as a Mortgage Broker.

RSA 397-A:3, I

1 Count of Collection of an Advanced  
Fee for a loan modification.

RSA 397-A:14, IV (m)

1 Count of Solicitation of a best efforts  
Commission or Fee for a loan  
modification.

RSA 397-A:14, IV (b)

US Homeowners Relief, Inc.:

1 Count of Unlicensed Activity  
as a Mortgage Broker.

RSA 397-A:3, I

1 Count of Collection of an Advanced  
Fee for a loan modification.

RSA 397-A:14, IV, (m)

1 Count of Solicitation of a best efforts  
Commission or Fee for a loan  
modification.

RSA 397-A:14, IV, (b)

Respondent Samuel Bain (*as a control*)

1 Count of Unlicensed Activity

*person, direct owner and principal):*

as a Mortgage Broker.

RSA 397-A:3, I

1 Count of Collection of an Advanced Fee for a loan modification.

RSA 397-A:14, IV, (m)

1 Count of Solicitation of a best efforts Commission or Fee for a loan modification.

RSA 397-A:14, IV, (b)

*Respondent Macie Bain (as a control person, direct owner and principal):*

1 Count of Unlicensed Activity as a Mortgage Broker.

RSA 397-A:3, I

1 Count of Collection of an Advanced Fee for a loan modification.

RSA 397-A:14, IV, (m)

1 Count of Solicitation of a best efforts Commission or Fee for a loan modification.

RSA 397-A:14, IV, (b)

*Respondent Sarpas (as a control person, direct owner and principal):*

1 Count of Unlicensed Activity as a Mortgage Broker.

RSA 397-A:3, I

1 Count of Collection of an Advanced Fee for a loan modification.

RSA 397-A:14, IV, (m)

1 Count of Solicitation of a best efforts Commission or Fee for a loan modification.

RSA 397-A:14, IV, (b)

Respectfully Submitted:

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/s/  
Raef J. Granger  
Hearings Examiner  
N.H. Banking Department

\_\_\_\_\_  
*April 7, 2011*  
Date:

**Order**

**19. I hereby find as follows:**

- a. Pursuant to RSA 397-A:3, I, the facts as alleged above, if true, show Respondents are operating or have operated in violation of RSA Chapter 397-A and form the legal basis for this Order;
- b. Pursuant to RSA 397-A:20, VI, this Order is necessary and appropriate to the public interest and for the protection of consumers and consistent with the purpose of New Hampshire banking laws;
- c. Pursuant to RSA 397-A:18, II, reasonable cause exists to issue an order to cease and desist; and
- d. Pursuant to RSA 397-A:17, I and RSA 397-A:18, II, if Respondents fail to respond to this Order and/or default then all facts as alleged herein are deemed as true.

**20. Accordingly, it is hereby ordered that:**

- a. Respondents shall immediately Cease and Desist from violating RSA Chapter 397-A in the State of New Hampshire;
- b. Respondents shall provide to the Department, for the past one calendar year, a transaction list detailing name, date, address, and amount of each service and provide all consumer contracts involving New Hampshire consumers within thirty (30) days of the date of this Order;

- c. Respondents shall show cause why the commissioner should not enter an order of rescission, restitution, or disgorgement of profits;
- d. Respondents shall show cause why costs should not be recovered for investigation in the minimum amount of \$2,250.00;
- e. Show cause why administrative penalties of a minimum of \$7,500.00 per Respondent should not be imposed;
- f. Show cause why commissions for services rendered should not be disgorged; and
- g. Nothing in this Order shall prevent 1) the Department from taking any further administrative and legal action as necessary under New Hampshire law or 2) the New Hampshire Office of the Attorney General from bringing an action against the above-named Respondents in New Hampshire Superior Court, with or without prior administrative action by the Commissioner.

**SO ORDERED,**

Entered this *April 8*, 2011.

/s/

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Robert A. Fleury, Deputy Bank Commissioner  
New Hampshire Banking Department